

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA and)	
VELVET COLE, Revenue Agent of)	
THE INTERNAL REVENUE SERVICE,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:07-CV-56
)	(PHILLIPS/SHIRLEY)
JOSEPH A. BUAIZ, JR.,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-83
)	(VARLAN/GUYTON)
JOSEPH A. BUAIZ, JR., BONNIE BUAIZ,)	
THE GOLDEN LIGHT MINISTRY,)	
and MERL ALAN CRUMPLEY,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

These cases came before the undersigned pursuant to Local Rule 3.2 of the Local Rules of the United States District Court for the Eastern District of Tennessee for assignment to a District Judge. The record indicates that in the recently filed case of United States v. Buaiz, et al., Civil Action No. 3:07-CV-83, the complaint was filed on or about March 8, 2007. A previous case has been filed styled United States, et al. v. Buaiz, Civil Action No. 3:07-CV-56, which was

assigned to the Honorable Thomas W. Phillips, United States District Judge and Magistrate Judge C. Clifford Shirley, Jr.

Pursuant to E.D. TN. LR3.2(d)(3), cases related to cases already assigned to a District Judge shall be assigned or transferred to the Judge assigned to the previously filed case. The procedure set out in Local Rule 3.2(d)(3)(B) provides that “when it appears to the Clerk that a case submitted for filing may be related to a previously filed case, the submitted case shall be referred to the Magistrate Judge assigned to the previously filed case to determine whether or not the cases are related. If the Magistrate determines that the cases are related, the Magistrate will enter an Order directing the Clerk to assign the submitted case to the Judge assigned to the previously filed case.” In this matter, it appeared to the Clerk that the Buaiz case, Civil Action No. 3:07-CV-83, submitted for filing might be related to the previously filed Buaiz case, Civil Action No. 3:07-CV-56, and they were referred to the undersigned to determine whether or not the cases were related.

Cases are deemed related under Local Rule 3.2(d)(3)(A) when a filed case arises out of the same transaction or occurrence and involves one or more of the same parties as an earlier numbered case.

It appears to the undersigned that Civil Action No. 3:07-CV-83 arises out of the same transaction or occurrence as Civil Action No. 3:07-CV-56. Furthermore, some of the plaintiffs and some of the defendants in Civil Action No. 3:07-CV-83 are some of the same plaintiffs and defendants in Civil Action No. 3:07-CV-56. Therefore, the undersigned finds that these cases are deemed related as they arise, in substantial part, out of the same transaction or occurrence, and involve one or more of the same parties.

Therefore, it is the opinion of the undersigned that Civil Action No. 3:07-CV-83 should be assigned to the Honorable Thomas W. Phillips, who was previously assigned to Civil Action No. 3:07-CV-56, in the interest of judicial economy.¹

Accordingly, the Clerk is **DIRECTED** to assign Civil Action No. 3:07-CV-83 and Civil Action No. 3:07-CV-56 to the Honorable Thomas W. Phillips, United States District Judge, and to Magistrate Judge C. Clifford Shirley, Jr.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹The Court also notes and calls the parties attention to Local Rule 3.2(e), which provides that “this rule is intended to provide for the orderly division of the business of the Court and not to grant any right to any litigant.”